

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Steven M. Vartabedian, Associate Justice; Honorable Rebecca A. Wiseman, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Robert Abilez, Senior Deputy Clerk.

F046497 Macias v. Super Taqueria Mexico Mei, Inc.

Cause called and argued by Harry Chamberlain, Esq., counsel for appellant and by Rene Sample, Esq., counsel for respondent.

Cause ordered submitted.

At this point Ardaiz, P.J. directs Wiseman, Acting P.J. to act as Presiding Justice in his absence; leaves the bench with Vartabedian, J.; and they are replaced by Gomes, J. and Hill, J.

F048090 Savala et al. v. Freedom Communications, Inc.

Cause called and argued by Richard B. Isham, Esq., counsel for appellants and by John A. Bussian, Esq., counsel for respondent.

Cause ordered submitted.

Court recessed until Wednesday, June 14, 2006 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable Rebecca A. Wiseman, Acting Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Brad Hill, Associate Justice; and Leisa V. Biggers, Clerk/Administrator, by Jill Rivera, Deputy Clerk.

F047867 Rios etc., et al. v. Simmons et al.; Memorial Hospitals Association

Parties stipulate that (1) Cornell, J., the absent assigned justice, participate in the determination of this appeal, and (2) Cornell, J. to listen to the recording of oral proceedings upon his/her return.

Cause called and argued by Arthur R. Petrie, Esq., counsel for appellant and by Leith B. Hansen, Esq., counsel for respondent.

Submission deferred until Tuesday, June 21, 2006 for Cornell, J. to listen to the recording of oral argument.

At this point Dawson, J. takes the bench.

IN THE

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F048749 Brackeen v. Burlington Homes

Cause called and argued by Larry Nelson, Esq., counsel for respondent. Alexander M. Gelman, Esq., counsel for appellant waived oral argument.

Submission deferred until Thursday, July 20, 2006.

Court recessed until Thursday, June 15, 2006 at 1:30 P.M.

F048181 People v. Klein

The judgment is reversed and the matter is remanded to the trial court, which is directed to grant the motion to suppress.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F046865 People v. Siharath

The judgment is affirmed. Harris, Acting P.J.

We concur: Levy, J.; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F049093 People v. Fuse

The above-entitled case is submitted for decision.

F049093 People v. Fuse

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048094 Pinto v. City of Visalia et al.

Appellant's petition for rehearing filed herein is denied.

F048676 In re Cesar L., a Minor

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

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F048676 In re Cesar L., a Minor

The section 12022.5, subdivision (a) enhancement pertaining to count one is stricken. As so modified, the juvenile court's findings and orders are affirmed. The juvenile court is directed to prepare an amended commitment order reflecting this change and to forward a certified copy to the Director of the Department of Corrections and Rehabilitation, Juvenile Justice. Gomes, J.

We concur: Vartabedian, Acting P.J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F048916 People v. Marshall

The above-entitled case is submitted for decision.

F048916 People v. Marshall

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F047939 Austin et al. v. Bear Valley Springs Association

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.

F049428 People v. Watson

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F048182 People v. Succaw

Oral argument having been waived in the above-entitled case in accordance with the provisions of a notice mailed to counsel, the calendar date heretofore set is vacated and the case is submitted for decision.